

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

Emergency Rules

■ HOSPITALS

The DEPARTMENT OF PUBLIC HEALTH adopted an emergency amendment to Hospital Licensing Requirements (77 IAC 250; 44 Ill Reg 5934) effective 3/25/20 for a maximum of 150 days, allowing licensed hospitals to increase bed capacity and/or re-allocate bed designations between clinical services to accommodate extraordinary needs arising from the COVID-19 pandemic for the duration of the Gubernatorial Disaster Proclamation. Facilities that increase or reallocate beds for this purpose must notify DPH within 30 days after the action and must also notify DPH within 30 days after the temporary beds are removed and normal bed capacity resumes.

■ HEALTHCARE WORKERS

DPH also adopted emergency amendments to Home Health,

COVID-19 ACTIONS

Numerous Executive Orders and emergency rules have been issued in response to the COVID-19 pandemic. Executive Orders of the Governor concerning this pandemic can be accessed at <https://www2.illinois.gov/government/executive-orders>. Emergency rules adopted by State agencies will be summarized in The Flinn Report as they are published in the *Illinois Register*.

Home Services, and Home Nursing Agency Code (77 IAC 245; 44 Ill Reg 5929), Long-Term Care Assistants and Aides Training Programs Code (77 IAC 395; 44 Ill Reg 5946), and Health Care Worker Background Check Code (77 IAC 955; 44 Ill Reg 5951), all effective 3/25/20 for a maximum of 150 days, to address issues related to the COVID-19 pandemic. Amendments to Part

245 suspend, for the duration of the Gubernatorial Disaster Proclamation, the in-person registered nurse supervisory visits and agency supervisory visits normally required for home health, home services, or home nursing agencies; these supervisory visits may be conducted via telephone or electronic means where available. The Part 395 and 955 rulemakings allow military personnel with medical training (e.g., corpsmen, combat medics) to serve as certified nursing assistants (CNAs) in healthcare facilities while the COVID-19 emergency continues. The normal requirements for Illinois certification of CNAs licensed in another state are also suspended, provided that the out of State CNA is in good standing and is working under the direction of the Illinois Emergency Management Agency and DPH. CNAs with inactive

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ADOPTED RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.
PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.
PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.
■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.
QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.
RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

Emergency Rules

(cont. from page 1)

status on the DPH Health Care Worker Registry for less than 5 years, and who were in good standing at the time they became inactive, may resume work as CNAs immediately. Finally, the conditional employment period of 3 months for CNAs who have not yet undergone a fingerprint based criminal background check is extended to 6 months. CNAs and other healthcare workers are affected by these emergency rules.

Questions/requests for copies of the 4 DPH emergency rules: Erin Conley, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

■ REMOTE LEARNING

The STATE BOARD OF EDUCATION adopted a new Part by emergency rulemaking titled Remote Learning Days (23 IAC 5; 44 Ill Reg 5905) effective 3/27/20 for a maximum of 150 days. This new Part allows the State Superintendent, in response to a disaster proclaimed by the Governor or other exigent circumstances, to require some or all schools in the State to use remote learning days during which they must implement an e-learning program or another remote learning plan approved by the district's chief administrator. Up to 5 remote learning planning days to prepare for, or transition back from, remote learning also can be scheduled. Remote learning days and remote learning planning days

will be counted as pupil attendance days under the School Code. Schools and school districts are affected by this emergency rule.

■ SPECIAL EDUCATION

SBE also adopted an emergency amendment to Special Education (23 IAC 226; 44 Ill Reg 5917) effective 3/25/20 for a maximum of 150 days, allowing private facilities in which special education students have been placed, at their home school district's expense, to continue to charge school districts for this expense for the duration of the Gubernatorial Disaster Proclamation. Districts shall continue to pay approved per diem, tuition and room and board expenses for affected students during this period. Private special education facilities may be affected by this emergency rule.

■ PRESCHOOLS

SBE adopted an emergency amendment to Early Childhood Block Grant (23 IAC 235; 44 Ill Reg 5924) effective 3/27/20 for a

maximum of 150 days, allowing currently funded early childhood programs that voluntarily provide care for children of essential workers during the COVID-19 public health emergency to use funds in excess of what is necessary for the program to purchase supplies and equipment or provide at-home materials for enrolled children.

SCHOOL TRANSPORTATION

Finally, SBE adopted an emergency amendment to Pupil Transportation Reimbursement (23 IAC 120; 44 Ill Reg 5910), effective 3/30/20 for a maximum of 150 days, allowing school districts, through the end of the 2019-20 school year, to be reimbursed for transportation expenses beyond those incurred in transporting students (e.g., distribution of food, distribution and pick-up of student assignments).

Questions/requests for copies of the 4 SBE emergency rules: Azita Kakvand, SBE, 100 N. First St., Springfield IL 62777-0001, 217/782-6510, rules@isbe.net

Adopted Rules

STATE EMPLOYEES

The AUDITOR GENERAL adopted amendments to Public Information, Rulemaking, Organization and Personnel (2 IAC 600; 44 Ill Reg 5873) effective 4/1/20, updating its personnel rules to reference and conform to the State Officials and Employees Ethics Act and incorporate broader anti-discrimination and harassment provisions. Other

provisions clarify and update various types of leave (e.g., family leave, military service leave, bereavement leave) and allow disaster service volunteer leave for any disaster proclaimed by the Governor.

Questions/requests for copies: Rebecca Patton, Office of the Auditor General, 740 E. Ash St., Springfield IL 62703, 217/782-6046, TTY 888/261-2887.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at the April 21, 2020 JCAR meeting. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT OF CHILDREN & FAMILY SERVICES

Department of Children and Family Services
Scholarship Program (89 IAC 312; 43 Ill Reg 5341)
proposed 5/16/19

DEPT OF REVENUE

Cannabis Cultivation Privilege Tax (86 IAC 422;
44 Ill Reg 2624) proposed 2/14/20

Cannabis Purchaser Excise Tax (86 IAC 423; 44
Ill Reg 2643) proposed 2/14/20

County Cannabis Retailers' Occupation Tax (86
IAC 424; 44 Ill Reg 2669) proposed 2/14/20

Municipal Cannabis Retailers' Occupation Tax (86
IAC 425; 44 Ill Reg 2682) proposed 2/14/20

Medical Cannabis Cultivation Privilege Tax Law
(86 IAC 429; 44 Ill Reg 2695) proposed 2/14/20

Amnesty Regulations (86 IAC 520; 43 Ill Reg 8677)
proposed 8/16/19

STATE BOARD OF EDUCATION

Public Schools Evaluation, Recognition and
Supervision (23 IAC 1; 43 Ill Reg 14596) proposed
12/20/19

Joint Committee on Administrative Rules

Senator Bill Cunningham, *co-chair*

Representative Tom Demmer

Senator Kimberly Lightford

Representative Michael Halpin

Senator Tony Muñoz

Representative Frances Ann Hurley

Senator Sue Rezin

Representative Steven Reick

Senator Paul Schimpf

Representative André Thapedi

Senator Chuck Weaver

Representative Keith Wheeler, *co-chair*

**Vicki Thomas
Executive Director**